IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1179 OF 2005

Union of India ..Appellants

versus

Keshav R. Rathod ..Respondent

Mr. A. N. Samant for the Appellants.

Mr. H. H. Trivedi for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 2ND SEPTEMBER,2005

P.C. :

1. Heard counsel for the Appellants and the Respondent.

2. A short question is involved and raised in this matter which can be decided finally at the stage of admission itself.

3. While passing an award by decree, the Tribunal has awarded 9% interest from the date of the application till realisation. My attention was invited by Mr. Samant to a Judgment of the Single Bench. This point was decided by Justice Kochar in

his Judgment dated 27.2.2002 in Writ Petition No. 177 of 2002 and Mr. Samant states that this judgment of the Single Bench was upheld by the Division Bench (Khandeparkar and Mohata, J.J.) so far as interest is concerned in LPA 74 of 2003 decided on 16.6.2005. Counsel for the respondents does not dispute this legal position, therefore this appeal is required to be allowed partly.

4. Mr. Samant also contends that the interest should be made payable from the date of the order till the date of withdrawal because the amount deposited by the Appellant Railway has been withdrawn by the Respondents. To this suggestion, there is no objection. Therefore, I pass the following order :

ORDER

. Appeal is partly allowed.

. Impugned judgment is modified to the extent of interest i.e. respondents shall pay interest at the rate of 9% per annum from the date of the order of the Tribunal till the date of withdrawal of the amount by the respondents from the court. No order as to costs. Appeal disposed of accordingly.

2.9.2005 (D.G. DESHPANDE, J.)